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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,280	08/20/2003	Howard Sinkoff	7647-03468	7474
22914 7590 03/21/2008 BRINKLE Y, MORGAN, SOLOMON, TATUM, STANLEY, LUNNY, & CROSBY, LLP 200 E. LAS OLAS BLVD, SUITE 1900 FORT LAUDERDALE, FL 33301				
			EXAMINER MARSH, STEVEN M	
			ART UNIT 3632	PAPER NUMBER
			MAIL DATE 03/21/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/644,280

Applicant(s)

SINKOFF, HOWARD

Examiner

STEVEN M. MARSH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6, 7, 9, 12-18, 24 and 28-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 7, 9, 12-18, 24, 28-31 and 33-43 is/are allowed.
- 6) ☒ Claim(s) 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the sixth office action for U.S. Application 10/644,280 for Novel Cable Tray Assemblies filed by Howard Sinkoff on August 20, 2003. Claims 6, 7, 9, 12-18, 24, 28-43 are pending.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 32 is rejected under 35 U.S.C. 102(b) as being anticipated by Di Meo et al. Di Meo discloses a cable tray with a cable support assembly that has a weight-bearing base portion and a plurality of sidewalls (20). The sidewalls are connected to longitudinal edges of the base portion, extend in a common direction perpendicular to the base portion, and the base portion defines a plurality of open ends. There is a connector receiving member (29) connected to the base portion of the cable support assembly proximate a first open end of the cable support assembly. The connector-receiving member has two parallel sections (each side of 30) separated by a space (30, which has a J-shaped portion and can perform as a hook) and extending transversely across at least part of a width of the base portion. The two parallel sections of the connector-receiving member are arranged to at least receiving at least a portion of a first fastener in the space therebetween and could receive and engage the head of a carriage bolt to prevent rotation of the bolt. There is a connector-receiving element of the same configuration as the connector-receiving member connected to the base

portion of the cable support assembly proximate a second open end of the cable support assembly (29 on the opposite end of that shown in fig. 2 for connecting multiple trays). The connector-receiving element is positioned directly across from the connector-receiving member along a length of the base portion of the cable support assembly.

Allowable Subject Matter

Claims 6, 7, 9, 12-18, 24, 28-31, and 33-43 are allowed. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments filed January 7, 2008 have been fully considered but they are not persuasive. Applicant argues that the limitations of allowable claim 35 have been incorporated into claim 32, but that is not the case. Claim 35 contains the limitation of the parallel sections including "an insulated portion and an electrically conductive portion". Claim 32 does not have either limitation.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/S. M. M./
Examiner, Art Unit 3632
Steven M. Marsh
March 14, 2008

/Anita M. King/
Primary Examiner, Art Unit 3632

Application Number**Application/Control No.**

10/644,280

**Applicant(s)/Patent under
Reexamination**

SINKOFF, HOWARD

Examiner

STEVEN M. MARSH

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